

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Action No. 05-10917 PBS

	)	
The HipSaver Company, Inc.,	)	
Plaintiff,	)	
	)	
v	)	
	)	
J.T. Posey Company,	)	
Defendant	)	
	)	
_____	)	
	)	
J.T. Posey Company, Inc.,	)	
Counterclaim Plaintiff	)	
	)	
v	)	
	)	
The HipSaver Company, Inc. and	)	
Edward L. Goodwin,	)	
Counterclaim Defendants	)	
	)	
	)	
_____	)	

**CERTIFICATE PURSUANT TO LOCAL RULE 37.1**

As noted in paragraph 1 of the accompanying Emergency Motion for a Protective Order, I certify that counsel for The HipSaver Company, Edward Dailey, Esq., conferred with counsel for J.T. Posey Company on October 19 and 20, 2005, by telephone in an effort to resolve the issues presented in this motion and that counsel were unable to arrive at an agreement.

Respectfully submitted,  
THE HIPSAVER COMPANY, INC.  
By its Attorneys,

/s/ Courtney M. Quish  
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Dated: October 20, 2005

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